

REMARKS

Upon entry of the amendments herein, claims 1-27, 29, 32, 33 and 46-49 are pending in the application. Claims 1 and 23 have been amended herein, and new claims 46-49 have been added. No new matter has been introduced by any of the amendments.

Applicants acknowledge with gratitude the time taken by Examiner Isabella on April 23, 2007 in Alexandria to participate in an interview with Robert Cottone (an employee and representative of the Assignee) and the undersigned. The substance of the outstanding Office Action was discussed during the interview; Applicants note, however, that no Interview Summary was ever issued by the Examiner. In any event, the amendments herein and remarks set forth below are reflective of the interchange among the interview participants.

In the present Action, the Examiner has indicated that claims 10-27, 29, 32 and 33 are allowed. Also in the present Action, the Examiner further acknowledged that the amendments made by Applicants in their January 25, 2007 Amendment and Response rendered claims 1-9 allowable over the art of record at that time. However, in the present Action the Examiner has cited a new prior art document alleged to render claims 1-9 as presented on January 25, 2007 unpatentable.

Claims 1-9 now stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,331,188 to Lau, et al.

The Examiner essentially reproduced the entire language of then-pending claim 1 and asserted that each recited element of said claim can be found in Figure 12 of Lau.

Applicants would argue (and, in fact, they did argue at the interview) that the stent depicted in Lau Figure 12 does not show, for example, any true expandable helical segments. Nonetheless, in the interest of expediting prosecution of this application to allowance, Applicants have amended claim 1 herein to unequivocally distinguish the true expandable helical segments of the instant invention from any such segments allegedly depicted in Lau Figure 12. Withdrawal of this rejection is respectfully requested.

Within this rejection, the Examiner further specifically cited claims 2 and 3, alleging that the specific limitations recited in those claims can also be found in the stent of Lau. Whether or not these additional features can be found in Lau is no longer of relevance. Again, the invention as recited in the base claim is patentably distinct from the stent depicted in the Lau figure, and claims 2 and 3, which also contain the distinguishing features, must be considered patentably distinct from the Lau stent.

Similarly, the additional features recited in claims 4-8, which the Examiner used as a basis for specifically citing these claims, are no longer of relevance. Again, these claims,

dependent from the base claim, contain the same distinguishing features and thus are also patentably distinct from the Lau stent.

Claim 9 stands rejected under 35 U.S.C §103(a) as being obvious over the same Lau patent, further in view of U.S. Patent No. 5,913,897 to Corso, Jr., et al. Again, whether or not Corso teaches the additional feature recited in instant claim 9 is now irrelevant. Claim 9, dependent from claim 1, contains all the features of the base claim, including those which clearly distinguish the instant stent from that of Lau.

New claims 46-49 have been added to recite some more particular embodiments of the claimed invention. It is clear from the language of the base claim that all of these more specific embodiments are encompassed by said base claim. Furthermore, again, all of the newly added claims depend from claim 1 and, on that basis alone, contain features that are patentably distinct from those found in the Lau stent. Accordingly, these claims are also allowable.

The Examiner has already indicated that claims 10-27, 29, 32 and 33 are allowable. In view of the amendments herein, there can be no doubt that claims 1-9 are also patentably distinct over the cited prior art and are therefore allowable. Furthermore, new claims 46-49, dependent from claim 1, must also be considered allowable. Reconsideration and allowance of the

application with pending claims 1-27, 29, 32, 33 and 46-49 are respectfully requested. Should any other matters require attention prior to allowance, it is requested that the Examiner contact the undersigned.

The Commissioner is hereby authorized to charge any additional fees which may be due for any reason in connection with this communication to Deposit Account No. 23-1703.

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Respectfully submitted



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